

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 UNITED STATES OF AMERICA,)
11 Plaintiff,) CASE NO. CR06-206 JLR
12 v.)
13) DETENTION ORDER
14 FREDDY MASCARENAS-)
15 RODRIGUEZ,)
16 Defendant.)

Offense charged:

Count I: Conspiracy to Distribute Heroin and Cocaine, in violation of Title 21, U.S.C., §§ 841(a)(1), 841(b)(1)(B) and 846.

Date of Detention Hearing: June 28, 2006

The Court, having conducted an uncontested detention hearing pursuant to Title 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which the defendant can meet will reasonably assure the appearance of the defendant as required and the safety of any other person and the community. The Government was represented by Sarah Vogel. The defendant was represented by Robert Leen.

DETENTION ORDER

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1 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

2 (1) There is probable cause to believe the defendant committed the drug
3 offense. The maximum penalty is in excess of ten years. There is
4 therefore a rebuttable presumption against the defendant's release based
5 upon both dangerousness and flight risk, under Title 18 U.S.C. §
6 3142(e).

7 (2) Nothing in this record satisfactorily rebuts the presumption against
8 release:

9 (a) Defendant is a citizen of Mexico who is in the United States
10 illegally; he has no known ties to the Western District of
11 Washington and ICE has filed a detainer against him.

12 (b) His criminal history which includes an outstanding misdemeanor
13 warrant and prior removal.

14 (3) Defendant stipulates to detention at this time with leave to reopen should
15 additional information become available.

16 **It is therefore ORDERED:**

17 (1) The defendant shall be detained pending trial and committed to the
18 custody of the Attorney General for confinement in a correction facility
19 separate, to the extent practicable, from persons awaiting or serving
20 sentences or being held in custody pending appeal;

21 (2) The defendant shall be afforded reasonable opportunity for private
22 consultation with counsel;

23 (3) On order of a court of the United States or on request of an attorney for
24 the Government, the person in charge of the corrections facility in which
25 the defendant is confined shall deliver the defendant to a United States
26 Marshal for the purpose of an appearance in connection with a court

1 proceeding; and

2 (4) The clerk shall direct copies of this order to counsel for the United
3 States, to counsel for the defendant, to the United States Marshal, and to
4 the United States Pretrial Services Officer.

5 DATED this 29th day of June, 2006.

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9 MONICA J. BENTON
United States Magistrate Judge
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